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(1)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

M.C.C. No. 375 **/2006** **Single Bench**

APPLICANTS
OWNER

1. Sanjay Kumar Minj, S/o Dhansu Ram, aged about – 32 years, R/o Village Gandhi Nagar, P.S. & Tahsil – Ambikapur Distt. Surguja (C.G.)

DRIVER

2. Indermani Singh , S/o Ram Singh, R/o Village – Navagarh, P.S. & Tahsil- Ambikapur Distt. Surguja (C.G.).

In present appellant no. 1 and 2 R/o Village – Chitabahar, Post- Karanji, P.S.- Ambikapur Distt. Surguja (C.G.)

P.R. No. 2039/06 Presented by Shri Rajeev Mishra dated 28/7/06

VERSUS

RESPONDENT
CLAIMANT

1. Moh. Yusuf, So/ Late Moh. Ramzan, aged about –45 years, Occupation- Seed Business, R/o – Village – Rampur, P.S. & Tahsil- Ambikapur Distt. Surguja, (C.G.)

CLAIMANT

2. Smt. Islamun Bibi W/o Moh. Yusuf aged about –40 years, Occupation- Bangle Business R/o Village – Rampur P.S. & Tahsil – Ambikapur Distt. Surguja (C.G.).

INSURANCE

3. The Oriental Insurance Co. Ltd. Branch Office- Manendergarh

OATH COMMISSIONER S.R. Kaushik BILASPUR TAHSIL AREA

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Road, Nehru chowk, Ambikapur, Disst. Surguja (C.G.).

PREVIOUS OWNER

4. Vindhyachal Pandey S/o Shri Jhinnu Pandey, aged about 48 years, R/o –. Namna Kalan, (Near Panchdev Mandir) P.S. & Tahsil – Ambikapur Distt. Surguja (C.G.)

APPLICATION FOR RESTORATION OF MISC. APPEAL

(19)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक MCC. 375/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

04.08.2006

Shri Rahul Mishra, learned counsel for the applicants.

Heard on M.(C.)P.No. 1222/06, an application for condonation of delay in filing the instant application as this application has been filed with a delay of one day.

Also heard on application for restoration of Misc. Appeal No. 676/06 which is directed against the order dated 13.06.2006 passed in M.A.No. 676/06 and by which the application for condonation of delay in filing the appeal has been dismissed for want of prosecution and consequently the appeal was also dismissed being barred by law of limitation.

Learned counsel for the applicants submits that there is a delay of only one day in preferring this application and the delay occasioned due to counting mistake. The application for condonation of delay is supported by an affidavit of the counsel representing the applicants.

Taking into consideration the reasons assigned in the application for condonation of delay, the same is allowed. Delay is filing the instant application is condoned.

Learned counsel for the applicants submits that the appeal was dismissed on 13.06.2006 on the ground of non-prosecution of the case as none appeared for the applicants when the case was called on 13.06.2006. He further submits that the counsel representing the applicants had gone to Uttar Pradesh to attend the marriage of his brother

(15)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक MCC. 375/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

– 2 –

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	and for that period he had submitted an application for adjustment before the A.R.(J) and thus his non-appearance on 13.06.2006 was bonafide. He has also filed his own affidavit in support of this application. Considering the reasons assigned in the application for restoration of M.A.No. 676/06 which is supported by an affidavit, the application is allowed. M.A.No. 676/06 is restored to its original number. **Sd/-** **Dhirendra Mishra** **Judge**	